

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Mark S. Zeiner Confirmation No: 8274  
Serial No. : 10/815,356 Art Unit: 3734  
Filed : March 31, 2004 Examiner: Diane D. Yabut  
For : IMPROVED TROCAR SEAL

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

☐ Statement in Accordance with §1.97(e) (attached); or

☒ Please charge Deposit Account No. 10-0750/ END5008CIP2/ VCM the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2).

☐ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No.  
END5008CIP2/VCM

Respectfully submitted,



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~~September~~, 2006

Oct. 4

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

<b>Application Number</b>	10/815,356
<b>Filing Date</b>	March 31, 2004
<b>First Named Inventor</b>	Mark S. Zeiner
<b>Group Art Unit</b>	3734
<b>Examiner Name</b>	Diane D. Yabut
<b>Attorney Docket Number</b>	END5008CIP2

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. 1	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		3,504,699		Grise	04-07-1970	
		3,773,233		Souza	11-20-1973	
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Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>4</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
			EP0568383		Ethicon Inc.	11-03-1993		
			WO 94/03232		C.R. Bard, Inc.	02-17-1994		
			EP0339945		Adair	11-02-1998		

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 5

<b>Application Number</b>	10/815,356
<b>Filing Date</b>	March 31, 2004
<b>First Named Inventor</b>	Mark S. Zeiner
<b>Group Art Unit</b>	3734
<b>Examiner Name</b>	Diane D. Yabut
<b>Attorney Docket Number</b>	END5008CIP2

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		Number	Kind Code <sup>2</sup> (if known)			
		5,209,737		Ritchart et al.	05-11-1993	
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		5,246,425		Hunsberger et al.	09-21-1993	
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			WO/ 0035529		Syntheon, LLC	06-22-2000		
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			WO2004/033004		Applied Medical	04-22-2004		

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 3 of 5	<b>Application Number</b>	10/815,356
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		5,603,702		Smith et al.	02-18-1997	
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STATEMENT BY APPLICANT**

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Sheet 4 of 5

<b>Application Number</b>	10/815,356
<b>Filing Date</b>	March 31, 2004
<b>First Named Inventor</b>	Mark S. Zeiner
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<b>Examiner Name</b>	Diane D. Yabut
<b>Attorney Docket Number</b>	END5008CIP2

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		Number	Kind Code <sup>2</sup> (if known)			
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Sheet 5 of 5

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## SUBMISSION UNDER MPEP 609 D

Page 1 of 1

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## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	Foreign Patent Document			Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
			Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>		

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		European Search Report dated June 1, 2004, for corresponding EP application 04251605.4	
		European Search Report dated December 13, 2004 for corresponding EP application 04256023	
		European Search Report dated February 2, 2005 for corresponding EP application 04256016	
		European Search Report dated July 13, 2005 for corresponding EP application 04251974	

Examiner Signature	Date Considered
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EP 1 459 688 A1

European Patent  
Office

## EUROPEAN SEARCH REPORT

Application Number  
EP 04 25 1605

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
✓ P,X	EP 1 348 386 A (ETHICON ENDO SURGERY INC) 1 October 2003 (2003-10-01) <i>2003/187397</i> * column 4, paragraph 15 - paragraph 17 *	1	A61B17/34
✓ A	EP 0 567 142 A (UNITED STATES SURGICAL CORP) 27 October 1993 (1993-10-27) * column 5, line 22 - column 6, line 54 * * figure 1 * <i>6,509, 120</i>	1-24	
✓ A	US 5 743 884 A (LAKATOS NICK ET AL) 28 April 1998 (1998-04-28) * column 9, line 55 - column 10, line 67 * * figures 12-24 *	1	
✓ A	US 5 342 315 A (ROWE C DANIEL ET AL) 30 August 1994 (1994-08-30) * column 7, line 4 - column 9, line 38 * * figures 7-10 *	7,11,19	
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The present search report has been drawn up for all claims			
Place of search THE HAGUE		Date of completion of the search 1 June 2004	Examiner Compos, F
CATEGORY OF CITED DOCUMENTS X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background Q : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons A : member of the same patent family, corresponding document	

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ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.

EP 04 25 1605

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01-06-2004

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EPO FORM 90459

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82



European Patent  
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# EUROPEAN SEARCH REPORT

Application Number  
EP 04 25 6023

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 5 342 315 A (ROWE C DANIEL ET AL) 30 August 1994 (1994-08-30) * column 7, line 10 - line 37; figures 1,2 * * column 7, line 64 - column 8, line 1 * * column 8, line 67 - column 9, line 38; figures 7-10 *	1-3,5	A61B17/34
X	US 5 603 702 A (SMITH ROBERT C ET AL) 18 February 1997 (1997-02-18) * column 5, line 62 - column 6, line 4; figures 1,10,11 * * column 6, line 51 - line 62; figure 2a * * column 7, line 3 - line 14; figure 5 * * column 8, line 40 - line 47 *	1-3,5	
A	EP 0 568 383 A (ETHICON INC) 3 November 1993 (1993-11-03) * abstract; figures 1,2,5 *	1-3,5	
A	US 6 569 120 B1 (DEFONZO STEPHAN A ET AL) 27 May 2003 (2003-05-27) * abstract; figures 1,6,7,9 *	1-3,5	TECHNICAL FIELDS SEARCHED (Int.Cl.7) A61B
2 The present search report has been drawn up for all claims			
Place of search Berlin		Date of completion of the search 13 December 2004	Examiner Ducreau, F
CATEGORY OF CITED DOCUMENTS X: particularly relevant if taken alone Y: particularly relevant if combined with another document of the same category A: technological background O: non-written disclosure P: intermediate document T: theory or principle underlying the invention E: earlier patent document, but published on, or after the filing date D: document cited in the application L: document cited for other reasons &: member of the same patent family, corresponding document			

**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 04 25 6023

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13-12-2004

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